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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,757	05/10/2002	Peter A. Friedman	202-0173 RLC	1572

28395 7590 03/01/2004  
BROOKS KUSHMAN P.C./FGTL  
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EXAMINER
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GOETZ, JOHN S

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 03/01/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/063,757

Applicant(s)

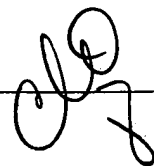
FRIEDMAN ET AL.

Examiner

John S. Goetz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, and 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's request for reconsideration has been received and entered.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Inconvenience to the applicant is regretted.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

4. Claims 1-6, 8-9, and 12-15 and 17-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kurokawa (JP 07-290158 A). Kurokawa discloses a roll hemming device and method. Each of the claimed limitations is disclosed or implicit in the Kurokawa reference. For example, Kurokawa discloses:

- i. a roller that includes both a first cylindrical surface and, contiguous to said first surface, a series of connected surfaces that define a cavity relative to a chord from the first cylindrical surface edge (see Figs. 6);
- ii. wherein said cylindrical surface is "oriented" to contact an inner portion of the bendable flange of the outer panel and presses said flange inwardly in a first direction (i.e. straight down, as seen in Fig. 6);
- iii. wherein the series of connected surfaces, or shaped portion (23B, 44 in Figs. 5 or 6), engages an intermediate portion and applies a force to the intermediate portion (inherent) at an angle relative to the first direction (see Figs. 5 and 6).

***Claim Rejections - 35 USC § 103***

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurokawa.

Claim 12 adds, to the apparatus of claim 1, the step of using the cylindrical surface to pre-hem the flange to a 45° angle. Absent a showing that this process step is critical to the apparatus structure, it would have been an obvious matter of design choice to use the Kurokawa device in this manner, since the applicant has not disclosed that such use solves any stated problem or is for any particular purpose. Furthermore, it appears that the invention would perform equally well using the oblique surface for pre-hemming as shown in Fig. 3.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurokawa in view of Sawa '879. Claim 16 adds a press die. Sawa '879 teaches, in the hemming art, that a press die can be used in place of a roller (column 1, lines 53-57). Additionally, Sawa '879 teaches that press dies provide for shorter processing times (*Id.*). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a press die instead of roller dies in order to reduce processing time, as explicitly stated by Sawa '879.

***Response to Arguments***

7. Applicant's arguments with respect to the previously applied Uchida reference have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

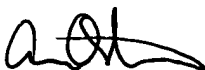
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Goetz whose telephone number is 703-308-1411. The examiner can normally be reached on Mon, Tues, Thurs, Fri 7:00am-5:30pm.

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9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on 703-308-3136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3136.

JSG



ALLEN OSTRAGER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700